

## REMARKS/ARGUMENTS

In an Office Action dated June 28, 2007, claims 41-47 were withdrawn and claims 27-40 were rejected.

### Rejection of Claims 27-40 under 35 U.S.C. § 112

In the Office Action, claims 27-40 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse the rejection.

The Office Action states that the terms “rigid,” “flexible” and “bendable” are not defined by the claims, that the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

First, most of the claims pending in the application do not contain such language, and the rejection is believed overbroad even for this reason alone. As recognized in the Office Action, such language appears only in claims 31, 32 and 37. However, the Office Action rejects all claims 27 - 40. Thus, in any event the rejection is clearly overbroad and should be removed for all claims other than 31, 32 and 37.

Additionally, the rejection should be removed for such claims 31, 32 and 37. The Office Action states that the terms “rigid,” “flexible” and “bendable” “are not defined by the claims.” Applicants find no such requirement that claim terminology be “defined by the claims.” As stated in MPEP 2173.01 (Claim Terminology):

Applicant may use functional language, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought. As noted by the court in *In re Swinehart*, 439 F.2d 210, 160 USPQ 226 (CCPA 1971), a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought.

(emphasis added). Thus, the language need not be “defined by the claims,” but must make clear the boundaries of the subject matter for which protection is sought.

As provided in MPEP 2173.02 (Clarity and Precision):

The examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. When the examiner is satisfied that patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire.

(emphasis added).

The Office Action also indicates that the "specification does not provide a standard" for ascertaining the requisite degree. (emphasis added) Applicants believe that the Office Action is searching for a definition of language that is clear from the claim. However, the specification is not required to define all claim terms. As also provided in MPEP 2173.02,

Accordingly, a claim term that is not used or defined in the specification is not indefinite if the meaning of the claim term is discernible.

(emphasis added). Applicants also note that the MPEP provides that "Breadth of a claim is not to be equated with indefiniteness." MPEP 2173.04 (Breadth Is Not Indefiniteness). The Office Action appears to be equating breadth of the claims with indefiniteness. Such an application of the standard of indefiniteness is improper.

As provided in MPEP 2173.05(b) (Relative Terminology), "The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph. Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification." (citation omitted) However, this discussion of relative terminology is not applicable to the language of claims 31, 32 and 37. Here, the MPEP refers to terms of degree and relative terminology such as the following: "about," "essentially," "similar," "substantially," "type," "relatively," "on the order of," "substantial," "comparable," and "superior." See MPEP 2173.05(b). Claims 31, 32 and 37 use no such terms of degree or relative terminology. Thus, a rejection based on concerns regarding degree or relative terminology is not applicable. In any event, the claims use terminology clear to a person skilled in the art.

According to the MPEP, “The test for definiteness under 35 U.S.C. 112, second paragraph, is whether those skilled in the art would understand what is claimed when the claim is read in light of the specification.” The claimed terminology is clear to someone of ordinary skill in the art. One skilled in the art would clearly understand simple terminology such as “rigid,” “flexible” and “bendable,” as applied to a circuit board.

Thus, for the various reasons discussed above, it is believed that the rejection of claims 27 - 40 under 35 U.S.C. § 112, second paragraph should be removed and such action is respectfully requested.

Claims 27, 34, 38 and 39 were rejected under 35 U.S.C. § 112. The Office Action indicates there is insufficient antecedent basis for “said cool zone” in claims 27, 34 and 38. The Office Action indicates that there is insufficient antecedent basis for “the first electronics” in claim 39 and for “said second interconnection system” in claim 37. The Office Action indicates that claims 28 - 33, 37 and 38 - 39 share the same indefiniteness as independent claim 27. Applicants have amended claims to address such concerns regarding indefiniteness for lack of antecedent basis. Review of such amendment is respectfully requested. The rejection is believed overcome and removal thereof is respectfully requested.

#### **Rejection of Claims 27-37 and 40 under 35 U.S.C. § 103**

In the Office Action, claims 27-37 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,701,666 (“DeHaven”) in view of U.S. Patent 6,377,471 (“Chong”). Applicants respectfully traverse the rejection.

The Office Action states that DeHaven teaches a system configured to receive a plurality of cartridges. For this, the Office Action cites DeHaven’s cables 20, 22, connectors 24, 26, and fixtures 90, 92. It is believed that DeHaven fails to teach the claimed configuration to receive a plurality of cartridges each containing a semiconductor wafer. Instead of teaching a plurality of cartridges, DeHaven teaches a single structure formed with fixtures 90 and 92. See for example Figure 7 of DeHaven, which shows the single structure pointed out with reference numbers 90 and 92, and which is connected to item 104 with cabling 102. Thus, DeHaven fails to teach a plurality of cartridges, and in fact teaches away from such approach with its single structure.

Thus, it is believed that the rejection has not established a prima facie obviousness of a claimed invention, which requires that all the claim limitations must be taught or suggested by the prior art. Removal of the rejection is therefore respectfully requested.

Dependent claims set forth in the application are believed patentable for at least the reasons as to their parent claims and are also believed independently patentable. Therefore removal of the rejection of dependent claims 28 - 40 is respectfully requested. Applicants also believe that the dependent claims set forth combinations not rendered obvious by the cited references.

Thus, it is believed that the rejection of claims 27 - 40 under 35 U.S.C. § 103(a) should be removed.

#### **Rejection of Claim 38 under 35 U.S.C. § 103**

In the Office Action, claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over DeHaven in view of Chong further in view of U.S. Patent 6,640,323 (“Akram”). Claim 38 was rejected based on reasoning similar to that of claim 27. Such reasoning has been overcome for the reasons discussed above. For this reason alone, the rejection of claim 38 should be removed.

Additionally, Akram fails to render obvious the additional material of claim 38. For example, Akram does not disclose 190 and 194 as temperature transition zones; Akram characterizes such items as transmission media to go from Akram’s electronics to Akram’s devices under test. Item 138 of Akram is an interrogator unit, not a cool zone. Thus, Akram fails to remedy the deficiencies of DeHaven and Chong.

Therefore, it is believed that the rejection of such claim has also been overcome and removal of the rejection thereof is respectfully requested.

#### **Allowable Subject Matter**

The Office Action indicates that claim 39 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C., second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. Such claim has not been amended because it is believed that such claim is in correct form for the reasons set forth above.

### CONCLUSION

Applicants submit that the instant application is in condition for allowance. Should the Examiner have any questions, the Examiner is requested to contact the undersigned attorney.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 1008-743.301).

Respectfully submitted,

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Date: December 20, 2007

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